

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>JOE K. RICHARDS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIV-15-216-R</b>
	)	
<b>DEBORAH STAFFORD, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

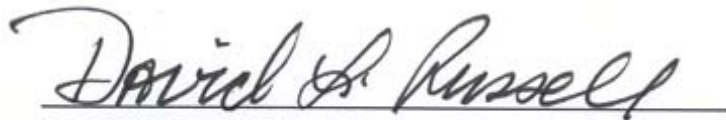
**ORDER**

Plaintiff filed this action pursuant to 42 U.S.C. § 1983, alleging violation of his civil rights. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Charles B. Goodwin for preliminary review. On June 23, 2016, Judge Goodwin issued a Report and Recommendation wherein he recommended the Amended Complaint be dismissed without prejudice. The matter is currently before the Court on Plaintiff's timely objection to the Report and Recommendation, giving rise to this Court's obligation to undertake a *de novo* review of those portions of the Report and Recommendation to which Plaintiff makes specific objection. Having conducted such review, the Court finds as follows.

Plaintiff alleges that the law library supervisor, Defendant Stafford, opened his legal mail outside his presence. Judge Goodwin concluded that Plaintiff failed to state a claim because he failed to allege a constitutional injury. The opening of legal mail outside of Plaintiff's presence did not itself violate his constitutional rights, and the Amended Complaint was silent as to any facts that would support a constitutional violation based on the opening of his legal mail, such as denial of access to the Courts. With regard to Count Two, wherein Plaintiff alleges that he was denied access to the grievance process, Judge Goodwin recommended dismissal because Plaintiff lacks any protected liberty interest in filing a grievance. Finally, Judge Goodwin concluded that to the extent

Plaintiff was attempting to allege a cause of action for retaliation, that his allegations failed, because he did not specifically allege that he had engaged in any constitutionally protected activity. Plaintiff's objection is a reiteration of the substance of his allegations. He provide no legal authority to rebut Judge Goodwin's conclusions, nor does he add to his factual allegations so as to support the conclusion that he has alleged sufficient facts to support a claim. Accordingly, the Report and Recommendation (Doc. No. 21) is hereby ADOPTED IN ITS ENTIRETY and this action will be DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 19th day of July, 2016.

  
\_\_\_\_\_  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE